

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>Applicants:</b>	Murphy <i>et al.</i>	<b>Conf. No.:</b>	5180
<b>Serial No.:</b>	10/047,307	<b>Art Unit:</b>	3692
<b>Filing Date:</b>	01/15/2002	<b>Examiner:</b>	Liversedge, Jennifer L.
<b>Title:</b>	METHOD AND SYSTEM FOR RECEIVING AN ALERT CODE IN A COMMERCIAL TRANSACTION	<b>Docket No.:</b>	END920010094US1 (IBME-0029)

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION UNDER 37 C.F.R. 1.131**

We, the Applicants in the above-identified patent application, declare as follows:

1. That we are the inventors of the subject matter described and claimed in the above-identified patent application.
2. That prior to June 7, 2001, we conceived of a method for receiving an alert code in a commercial transaction, comprising the steps of: using a transactional device used for a making payment in a commercial transaction; and receiving an alert code attached to transaction data for the commercial transaction indicating receipt of a message personally directed from a third party sender that is not involved in the commercial transaction to a user of the transactional device, the contents of the message being independent from the commercial transaction.
3. That prior to June 7, 2001, we conceived of a method for receiving an alert code in a commercial transaction, comprising the steps of: contacting a message center with a message

from a third party sender that is not involved in the commercial transaction; using a transactional device in a commercial transaction; identifying an intended recipient of the message; attaching an alert code to transaction data for the transaction, wherein the alert code is unrelated to the transaction; receiving the alert code attached to the transaction data; and retrieving the message in response to the received alert code.

4. That prior to June 7, 2001, we conceived of a system for receiving an alert code in a commercial transaction, comprising: a message reception system for receiving a message from a third party sender that is not involved in the commercial transaction; a recipient identification system for identifying an intended recipient of the message based upon use of a transactional device during a commercial transaction; an attachment system for attaching an alert code to transaction data for the transaction; and a message transmission system for transmitting the received message.

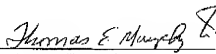
5. That prior to June 7, 2001, we conceived of a program product stored on a recordable medium for receiving an alert code in a commercial transaction, which when executed, comprises: program code configured to receive a message from a third party sender that is not involved in the commercial transaction; program code configured to identify an intended recipient of the message based upon use of a transactional device during a commercial transaction; program code configured to attach an alert code to transaction data for the commercial transaction; and program code configured to transmit the received message.

6. That the present invention is described in a Disclosure of Invention (Exhibit "A") submitted to the IBM Corporation Patent Department on February 14, 2001, specifically, Pages 2 and 3.

7. That, subsequent to the conception of the invention, and up until the patent application filing date of January 15, 2002, we diligently and actively assisted the IBM Corporation Patent Department in the planning, preparation, review, and filing of the above-identified patent application. Actions in conformity with our diligent and active assistance include, including assisting International Business Machines Corporation in the analysis and evaluation of the identified patent application from prior to June 7, 2001 to on or about June 13, 2001; participation in a search from on or about June 13, 2001 to on or about July 9, 2001; assisting in analysis and evaluation of search results from on or about July 9, 2001 to on or about August 28, 2001; assisting outside counsel in the interpretation and drafting of the identified patent application from on or about August 28, 2001 to on or about October 30, 2001; assisting outside counsel and the IBM Corporation Patent Department in the review and revision of the identified patent application and in the preparation and signing of documents for filing in regard to the identified patent application from on or about October 30, 2001 to on or about January 15, 2002.

Declarants further state that the above statements were made with the knowledge that willful false statements and the like are punishable by fine and/or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that any such willful false statement may jeopardize the validity of this application or any patent resulting therefrom.

Date:

*May 10, 2008*  
Thomas E. Murphy, Jr.

Date:

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Francine M. Orzel

Date:

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Alice D. Rostedt

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Date:

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Thomas E. Murphy, Jr.

Date:

5/8/2008

  
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Francine M. Orzel

Date:

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Alice D. Rostedt

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Thomas E. Murphy, Jr.

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